

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01629-DLF**

TRAUTMAN et al v. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 08/11/2016
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

MARYELLEN TRAUTMAN

represented by **Bradley Prescott Moss**
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
(202) 907-7945
Fax: (202) 558-4432
Email: brad@markzaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Steven Zaid
LAW OFFICES OF MARK S. ZAID,
P.C.
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: Mark@MarkZaid.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ANTHONY CLARK

represented by **Bradley Prescott Moss**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Steven Zaid
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

DEPARTMENT OF JUSTICE

represented by **Peter M. Bryce**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 616-8335
Fax: (202) 616-8470
Email: peter.bryce@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION**represented by **Peter M. Bryce**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/11/2016	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Filing fee \$ 400 receipt number 0090-4634968) filed by MARYELLEN TRAUTMAN, ANTHONY CLARK. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons NARA, # <u>3</u> Summons DOJ, # <u>4</u> Summons USADC, # <u>5</u> Summons USAG)(Moss, Bradley) (Entered: 08/11/2016)
08/11/2016		Case Assigned to Judge Tanya S. Chutkan. (zsb) (Entered: 08/11/2016)
08/11/2016	<u>2</u>	SUMMONS (4) Issued Electronically as to DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 08/11/2016)
08/12/2016		MINUTE ORDER: Plaintiff Anthony Clark is reminded that Local Civil Rule 5.1(c)(1) provides that "[t]he first filing by or on behalf of a party shall have in the caption the name and full residence address of the party.... Failure to provide the address information within 30 days of filing may result in the dismissal of the case against the defendant." Should Plaintiff fail to comply with this rule by 9/12/16, the court may dismiss this claims asserted by him without further notice. Signed by Judge Tanya S. Chutkan on 8/12/16. (DJS) (Entered: 08/12/2016)
08/22/2016	<u>3</u>	AMENDED COMPLAINT against DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION filed by MARYELLEN TRAUTMAN, ANTHONY CLARK.(Moss, Bradley) (Entered: 08/22/2016)
09/19/2016	<u>4</u>	MOTION for Leave to File <i>Second Amended Complaint</i> by ANTHONY CLARK, MARYELLEN TRAUTMAN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Text of Proposed Order)(Moss, Bradley) (Entered: 09/19/2016)
09/20/2016		MINUTE ORDER: Granting <u>4</u> Motion for Leave to File Second Amended Complaint. Plaintiffs shall file the Second Amended Complaint as a separate ECF entry no later than 9/23/16. Signed by Judge Tanya S. Chutkan on 9/20/16. (DJS) (Entered: 09/20/2016)
09/20/2016		Set/Reset Deadlines: Amended Pleadings due by 9/23/2016. (zsm) (Entered: 09/20/2016)
09/20/2016	<u>5</u>	Second AMENDED COMPLAINT against DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION filed by MARYELLEN TRAUTMAN, ANTHONY CLARK.(Moss, Bradley) Modified to add text on 9/21/2016 (td). (Entered: 09/20/2016)
10/20/2016	<u>6</u>	NOTICE of Re-Issuance of Summons by ANTHONY CLARK, MARYELLEN TRAUTMAN (Attachments: # <u>1</u> Summons USADC)(Moss, Bradley) (Entered: 10/20/2016)
10/21/2016	<u>7</u>	SUMMONS (1) Reissued Electronically as to U.S. Attorney. (znmw) (Entered: 10/21/2016)
11/03/2016	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/31/2016. Answer due for ALL FEDERAL DEFENDANTS by 11/30/2016. (Attachments: # <u>1</u> Exhibit Certified Receipt)(Moss, Bradley) (Entered: 11/03/2016)
11/14/2016	<u>9</u>	NOTICE of Appearance by Peter Bryce on behalf of DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Bryce, Peter) (Entered: 11/14/2016)
11/14/2016	<u>10</u>	NOTICE of Appearance by Mark Steven Zaid on behalf of All Plaintiffs (Zaid, Mark) (Entered: 11/14/2016)

11/30/2016	<u>11</u>	MOTION to Dismiss <i>Second Amended Complaint, In Part</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Text of Proposed Order)(Bryce, Peter) (Entered: 11/30/2016)
11/30/2016	<u>12</u>	ANSWER to <u>5</u> Amended Complaint by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. Related document: <u>5</u> Amended Complaint filed by MARYELLEN TRAUTMAN, ANTHONY CLARK.(Bryce, Peter) (Entered: 11/30/2016)
12/14/2016	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION to Dismiss <i>Second Amended Complaint, In Part</i> filed by ANTHONY CLARK, MARYELLEN TRAUTMAN. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 – Moss Declaration, # <u>3</u> Text of Proposed Order)(Moss, Bradley) (Entered: 12/14/2016)
12/21/2016	<u>14</u>	Joint MOTION to Stay <i>Proceedings</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 12/21/2016)
12/22/2016		MINUTE ORDER: Denying without prejudice <u>11</u> Motion to Dismiss; Granting <u>14</u> Joint Motion to Stay pending exhaustion of administrative remedies. This action is hereby STAYED until further order of this court. The parties shall file a Joint Status Report – along with a proposed order – by 2/22/17 and every 60 days thereafter. Signed by Judge Tanya S. Chutkan on 12/22/16. (DJS) (Entered: 12/22/2016)
02/22/2017	<u>15</u>	Joint STATUS REPORT and <i>Proposed Order</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 02/22/2017)
02/22/2017		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>15</u> , it is hereby ORDERED that Plaintiff may file an Amended Complaint by February 24, 2017. Defendants shall answer or otherwise respond to any new complaint by March 17, 2017. Signed by Judge Tanya S. Chutkan on 2/22/17. (DJS) (Entered: 02/22/2017)
02/23/2017		Set/Reset Deadlines: Amended Complaint due by 2/24/2017. Answer due by 3/17/2017. (tb) (Entered: 02/23/2017)
02/24/2017	<u>16</u>	Consent MOTION for Leave to File <i>Third Amended Complaint</i> by ANTHONY CLARK, MARYELLEN TRAUTMAN (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1 – Third Amended Complaint, # <u>3</u> Text of Proposed Order)(Moss, Bradley) (Entered: 02/24/2017)
03/17/2017		MINUTE ORDER: Granting <u>16</u> Consent Motion for Leave to File Third Amended Complaint. Plaintiff shall file the Third Amended Complaint as a separate document by 3/21/17. Signed by Judge Tanya S. Chutkan on 3/17/17. (DJS) (Entered: 03/17/2017)
03/17/2017	<u>17</u>	THIRD AMENDED COMPLAINT against DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION filed by MARYELLEN TRAUTMAN, ANTHONY CLARK.(Moss, Bradley) Modified on 3/20/2017 (jf). (Entered: 03/17/2017)
03/17/2017	<u>18</u>	ANSWER to <u>17</u> Third Amended Complaint by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. Related document: <u>17</u> Amended Complaint filed by MARYELLEN TRAUTMAN, ANTHONY CLARK.(Bryce, Peter) . (Entered: 03/17/2017)
04/04/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and order not later than 4/21/17. Signed by Judge Tanya S. Chutkan on 4/4/17. (DJS) (Entered: 04/04/2017)

04/05/2017		Set/Reset Deadlines: Joint Status Report due by 4/21/2017. (tb) (Entered: 04/05/2017)
04/21/2017	<u>19</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 04/21/2017)
04/24/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>19</u> , it is hereby ordered that the parties shall file a joint stipulation of dismissal or another joint status report and proposed order by July 12, 2017. Signed by Judge Tanya S. Chutkan on 4/24/17. (DJS) (Entered: 04/24/2017)
04/25/2017		Set/Reset Deadlines: Joint Stipulation of Dismissal or Joint Status Report due by 7/12/2017. (tb) (Entered: 04/25/2017)
07/12/2017	<u>20</u>	Joint STATUS REPORT <i>and Proposed Order</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 07/12/2017)
07/13/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>20</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Defendants' summary judgment brief shall be due October 2, 2017. Plaintiffs' responsive brief in opposition shall be due November 1, 2017. Defendants' reply brief shall be due November 24, 2017. Signed by Judge Tanya S. Chutkan on 7/13/17. (DJS) (Entered: 07/13/2017)
07/14/2017		Set/Reset Deadlines: Summary Judgment motion due by 10/2/2017. Response to Motion for Summary Judgment due by 11/1/2017. Reply to Motion for Summary Judgment due by 11/24/2017. (gdf) (Entered: 07/14/2017)
09/26/2017	<u>21</u>	Consent MOTION for Extension of Time to <i>file Summary Judgment Motion and to Modify Briefing Schedule</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 09/26/2017)
09/27/2017		MINUTE ORDER: Granting <u>21</u> Consent Motion for Extension of Briefing Schedule. Defendants' summary judgment brief due October 16, 2017. Plaintiffs' response due November 15, 2017. Defendants' reply due December 8, 2017. Signed by Judge Tanya S. Chutkan on 9/27/17. (DJS) (Entered: 09/27/2017)
09/27/2017		Set/Reset Deadlines: Summary Judgment motion due by 10/16/2017. Response to Motion for Summary Judgment due by 11/15/2017. Reply to Motion for Summary Judgment due by 12/8/2017. (tb) (Entered: 09/27/2017)
10/06/2017	<u>22</u>	Consent MOTION for Extension of Time to <i>File Summary Judgment Motion and to Modify Briefing Schedule</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter). Added MOTION to Modify on 10/10/2017 (znmw). (Entered: 10/06/2017)
10/06/2017		MINUTE ORDER: Granting <u>22</u> Consent Motion for Extension of Time to File Motion for Summary Judgment. Defendants' summary judgment brief due October 30, 2017. Plaintiffs' response due November 29, 2017. Defendants' reply due December 22, 2017. Signed by Judge Tanya S. Chutkan on 10/6/17. (DJS) (Entered: 10/06/2017)
10/10/2017		Set/Reset Deadlines: Summary Judgment motion due by 10/30/2017. Response to Motion for Summary Judgment due by 11/29/2017. Reply to Motion for Summary Judgment due by 12/22/2017. (tb) (Entered: 10/10/2017)
10/30/2017	<u>23</u>	MOTION for Summary Judgment by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of John Simms, # <u>3</u> Declaration of Joseph Scanlon, # <u>4</u> Declaration of David Hardy, # <u>5</u> Declaration of Daniel Castellano, # <u>6</u> Declaration of Tricia Francis, # <u>7</u> Declaration of Theresa Jones, # <u>8</u> Declaration of Celeste Hart, # <u>9</u> Declaration of Tammy Zimmie, # <u>10</u> Statement of Facts)(Bryce, Peter) (Entered: 10/30/2017)
11/29/2017	<u>24</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by ANTHONY CLARK, MARYELLEN TRAUTMAN. (Attachments: # <u>1</u> Exhibit 1 – Moss Declaration, # <u>2</u> Statement of Facts Response, # <u>3</u> Text of Proposed

		Order)(Moss, Bradley) (Entered: 11/29/2017)
12/04/2017		Case directly reassigned to Judge Dabney L. Friedrich. Judge Tanya S. Chutkan is no longer assigned to the case. (ztnr) (Entered: 12/04/2017)
12/22/2017	<u>25</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Bryce, Peter) (Entered: 12/22/2017)
07/17/2018	<u>26</u>	ORDER granting in part and denying in part without prejudice the defendants' <u>23</u> Motion for Summary Judgment. See order for details. Signed by Judge Dabney L. Friedrich on July 17, 2018. (JK) (Entered: 07/17/2018)
07/17/2018	<u>27</u>	MEMORANDUM OPINION regarding the defendants' <u>23</u> Motion for Summary Judgment. Signed by Judge Dabney L. Friedrich on July 17, 2018. (JK) (Entered: 07/17/2018)
08/10/2018	<u>28</u>	MOTION for Reconsideration <i>in Part</i> by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 08/10/2018)
08/15/2018		MINUTE ORDER vacating the August 17, 2018 deadline for the defendants' submission of supplemental or clarifying information pending resolution of the motion for reconsideration. Signed by Judge Dabney L. Friedrich on August 15, 2018. (JK) (Entered: 08/15/2018)
08/23/2018	<u>29</u>	Memorandum in opposition to re <u>28</u> MOTION for Reconsideration <i>in Part</i> filed by ANTHONY CLARK, MARYELLEN TRAUTMAN. (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 08/23/2018)
08/30/2018	<u>30</u>	REPLY to opposition to motion re <u>28</u> MOTION for Reconsideration <i>in Part</i> filed by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Bryce, Peter) (Entered: 08/30/2018)
10/31/2018	<u>31</u>	MEMORANDUM OPINION AND ORDER denying <u>28</u> NARA'S Motion for Partial Reconsideration. See Memorandum Opinion and Order for details. Signed by Judge Dabney L. Friedrich on October 31, 2018. (JK) (Entered: 10/31/2018)
11/09/2018	<u>32</u>	RESPONSE TO ORDER OF THE COURT re <u>31</u> Order on Motion for Reconsideration , <i>Supplemental Declaration of Joseph A. Scanlon</i> filed by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Bryce, Peter) (Entered: 11/09/2018)
11/09/2018		MINUTE ORDER. Upon consideration of the <u>32</u> Supplemental Declaration of Joseph A. Scanlon, the Court directs the parties to confer and submit a joint status report on or before November 30, 2018 indicating whether there are any remaining disputes and proposing a schedule for further proceedings, if necessary. Signed by Judge Dabney L. Friedrich on November 9, 2018. (JK) (Entered: 11/09/2018)
11/30/2018	<u>33</u>	Joint STATUS REPORT by NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Bryce, Peter) (Entered: 11/30/2018)
12/01/2018		MINUTE ORDER. Upon consideration of the parties' <u>33</u> Joint Status Report, the Court orders the parties to submit another joint status report on or before January 16, 2019. Signed by Judge Dabney L. Friedrich on December 1, 2018. (lcdlf2) (Entered: 12/01/2018)
12/01/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/16/2019. (jl) (Entered: 12/03/2018)
01/11/2019	<u>34</u>	Unopposed MOTION to Stay <i>Further Proceedings In Light of Lapse of Appropriations</i> by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 01/11/2019)
01/11/2019		MINUTE ORDER granting in part the defendants' <u>34</u> Unopposed Motion To Stay Proceedings in Light of Lapse of Appropriations. It is ORDERED that within seven days of when Congress restores appropriations to the Department of Justice, the parties shall file a joint status report. Signed by Judge Dabney L. Friedrich on January 11,

		2019. (lcllf2) (Entered: 01/11/2019)
01/31/2019	<u>35</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 01/31/2019)
01/31/2019		MINUTE ORDER. Upon consideration of the parties' <u>35</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before March 1, 2019. Signed by Judge Dabney L. Friedrich on January 31, 2019. (lcllf2) (Entered: 01/31/2019)
02/01/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 3/1/2019. (jl) (Entered: 02/01/2019)
03/01/2019	<u>36</u>	Joint STATUS REPORT by DEPARTMENT OF JUSTICE, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 03/01/2019)
03/01/2019		MINUTE ORDER. Upon consideration of the parties' <u>36</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before April 1, 2019 unless the parties file a stipulation of dismissal before that date. Signed by Judge Dabney L. Friedrich on March 1, 2019. (lcllf2) (Entered: 03/01/2019)
03/01/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 4/1/2019. (zcdw) (Entered: 03/03/2019)
03/25/2019	<u>37</u>	STIPULATION of Dismissal by ANTHONY CLARK, MARYELLEN TRAUTMAN. (Moss, Bradley) (Entered: 03/25/2019)